

Docket No.: 00-VE09.46 RCE 1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander I. McALLISTER

Application No.: 09/309,274

Group Art Unit: 2645

Filed: May 11, 1999

Examiner: Joseph T. PHAN

For: VOICE RESPONSE APPARATUS AND
METHOD OF PROVIDING AUTOMATED
VOICE RESPONSES WITH SILENT
PROMPTING

DECLARATION OF MICHAEL J. STRAUSS

I, Michael J. Strauss, do declare that:

1. I was an attorney of record in, prepared and filed the referenced patent application.
2. From January 1993 until about March 1998 I was employed as Patent Counsel by Bell Atlantic Network Service, Inc. (BANSI), the assignee of record of the subject patent application at the time that it was filed as detailed below. During my term of employment with BANSI one of my responsibilities was to supervise and administer the patent program of the various Bell Atlantic companies. In this role I came to know the inventor of the subject patent application, Alexander I. McAllister who, at the time, was a manager at Bell Atlantic's Advanced Technologies group operating laboratory facilities in Silver Spring, Maryland. During this time I had the opportunity to participate in one or more projects involving an experimental voice dialing platform being tested as the Bell Atlantic Corporate Dialer ("BA-Dialer").
3. In or about March 1998 I left BANSI and took as position as Counsel with the law firm of Hunton & Williams at their offices located in Washington, D.C. Later that year I was

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retained by BANSI to investigate obtaining patent protection for "Voice Dialing with Silent Prompting for Initiating Processing Interrupts and Alternative Functions". (New Business Memorandum attached as Exhibit A.)

4. On September 2, 1998 the operation of the BA-Dialer was disclosed to me during a meeting so that a patentability search could be conducted, the results of which were made available to the undersigned on or about October 5, 1998 (see October 5, 1998 letter of PatPro, Inc attached as Exhibit B). The details of the BA-Dialer were memorialized in the resultant "Bell Atlantic Silent Prompting for BA Dialer Infringement and Patentability Investigation" (hereinafter, the "Report" a redacted version of which is attached as Exhibit C) dated December 18, 1998 as forwarded to BANSI by cover of letter dated December 22, 1998 (redacted version attached as exhibit D).

5. In the Report the description of the BA-Dialer indicates that it had been developed and "is currently running on three platforms" (Report at page 1) implementing several call handling features including "'Voice Dialing with Silent Prompting'". Id. The Report includes a copy of the flow chart previously submitted as Exhibit A of the Declaration Under 37 C.F.R. 1.131 submitted by Alexander I. McAllister indicating that the flow chart had been provided during the September 2, 1998 meeting. The Report further summarizes the operation of the BA-Dialer at pages 2 and 3 with reference to the flow chart.

6. In January 1999 I accepted a position with my present law firm, Fulbright & Jaworski L.L.P. To the best of my recollection, based solely on the information and materials provided to me during the September 2, 1998 meeting, I prepared a draft of the subject application which I forwarded on or about February 12, 1999 for review by the inventor,

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Alexander I. McAllister. Letter of February 12, 1999, Exhibit E. After being reviewed and approved, the application was filed with the U.S. Patent and Trademark Office on May 11, 1999.

7. All of the activities detailed above were conducted and took place in the United States of America.

8. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

January 20, 2004
Date


Michael J. Strauss
Registration No. 32,443